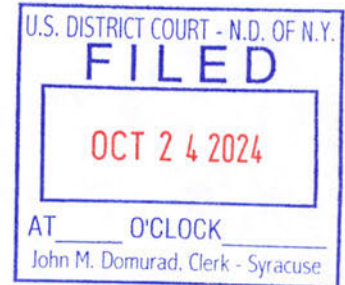


Clerk of the
US District Court
100 S. Clinton St.
Syracuse, NY 13261



October 22, 2024

Re. *Weilburg vs. Fitzgerald* et al. 5:24-CV-1189

I object to Magistrate Judge Mitchell Katz's 110 pages of ridiculous case law and holdings by various U.S. Courts who have acted as Federal Law legislators instead of jurists by changing the statutes to suit personal protections against implementation of said statutes. Shame on you!

STATEMENT:

I contend that there isn't any law that prevents this court from applying these statutes to any Clerk of any Court, any counselor at law or any doctor of the United States of America.

S1) I assert that Carla Fitzgerald and Brendan Rigby conspired to forge a Judge's name to an order of the court on April 25, 2023 and then Fitzgerald served that forged document on Elizabeth Spaulding with the Madison County Mental Health Clinic, thus depriving me of my first amendment constitutional right to access that Court and defend myself to a trumped up criminal charge of trespass pursuant to CPL § 410.10 (Exhibit A) There is no sane Judge who would sign this fraud.

S2) I further assert the fact that Brendan Rigby and Dr. George D. Annas conspired to prevent me from exercising my 1st Amendment right to access the court to defend against the false criminal charge that I trespassed on property where I was living. They wanted me found mentally incapacitated so the City Court would dismiss the case. Rigby threatened me that if I did not cop to a plea he would ask the court for the mental examination. Further, I contend that George D. Annas refused to examine me on July 14, 2023 and then conspired with Brendan Rigby to file a false report to the Oneida City Court which would have prevented me from petitioning the Oneida City Court with my innocence to the charge of criminal trespass. (See Exhibit F) Exhibit F is the report from George D. Annas claiming I suffer from a mental disease dated August 22, 2023. These

are questions this Court should be concerned with getting answers to instead of protecting these criminals.

S3) rhetorically, where is Dr. Kumar's report? According to CPL § 410.10 two doctors must file a report with the court. Notice the date on the George D. Annas' report of August 22, 2023. The day before the Oneida City Court dismissed all the charges against me on August 23, 2023. Annas filed his report that found that I was suffering from a mental disease. ADA John S. Rodgers didn't show up in court and sent some flunky to sit in for him on July 19, 2023 two days prior Annas refused to examine me on July 17, 2023. They wanted that report that found me mentally incapacitated filed with the court to slander me and dismiss the case on mental disease, instead of the death of the victim. On July 19, 2023, ADA Rodgers or his flunky stand in should have moved the Court to dismiss the charges because the alleged victim passed away on June 18, 2023. Surely ADA Rodgers knew his only witness passed away before July 19, 2023. ADA Rodgers wanted the case delayed so they would find me mentally incapacitated which Dr. Annas did without even examining me a month after the July 19, 2023 hearing. That charlatan Annas filed his report on August 22, 2023. (See Exhibit F)

S4) I have Rodgers on a digital recording taken on June 9, 2022, admitting he was pursuing the criminal charges against me because I had berated him. Judge Daniel Vineall refused to allow me to defend myself in open court on June 9, 2022 in spite of proceeding *pro se* on the charge of violating an unlawful order of protection which was done *ex parte*. Judge Vineall granted the *ex parte* order of protection on or about March 23, 2022. 11 days after the alleged crime of trespass on March 12, 2022. Vineall ordered that I cease from emails to my landlord Castellane and cease posting videos about Castellane on my YouTube channel.

S5) Castellane the alleged victim and his coconspirators placed an obstacle in the entrance to my basement dwelling and set up a camera to video me removing the obstacle. When I showed Brendan Rigby the video he said I was at fault and I should accept the plea offered by ADA Rodgers. I refused and Rigby threatened me with asking the Court for the mental examination if I did not plead guilty to a non-crime. All of these characters deprived me of my constitutional rights and hide behind that immunity clause the courts have added to statute.

LEGAL ARGUMENT:

LA1. On a rhetorical base I ask why on earth would the U.S. Supreme Court give absolute immunity to a clerk of the court? One can understand why a judge or prosecutor receives absolute immunity. A judge or prosecutor can be deterred from their responsibilities if they have to answer for their decisions. It is also understandable that a police officer is granted 'qualified immunity' so they are not hindered from accomplishing their tasks of investigating crime and making legal arrests. But, a clerk of the court makes no such decisions. According to Judge Katz, they have immunity from suits against filing papers, keeping records of the court, or stamping the record filed. It is ridiculous. By the way, absolute immunity does NOT exist. ***NO ONE IS SUPPOSED TO BE ABOVE THE LAW IN THE UNITED STATES.*** (Emphasis added).

Even the President of the United States is not immune from committing crimes. However, only qualified immunity should exist for Judges, Prosecutors, and police officers in the performances of their duties. NOT clerks of the court, counselors at law or Doctors. The question stands unanswered. Why? Are the courts granting immunity from filing, keeping records straight or stamping Judge's names to orders that violate the constitutional rights of defendants? I challenge the constitutionality of extending absolute immunity or any immunity whatsoever to a Clerk of the Court, a counselor at law, or even a Doctor.

LA2. As my case at bar shows from the premise that Carla Fitzgerald, a clerk of the Oneida City, New York Court committed a fraud on that court (18 USC §505). (See Exhibit A, alleged Court Order that no honest Judge would sign) Fitzgerald's coconspirator was another officer of the Court who this court has labeled a 'counselor' who was paid by the state of New York. Even an idiot can see by the alleged order that a Judge did not sign the order dated March 1, 2023. Unless Judge Michael Misiaszek is a complete buffoon, he did NOT sign this violation of my 1st Amendment Constitutional rights. No sane Judge would sign an order holding that any citizen of the United States could be ordered by any court to undergo a mental examination for exercising his constitutional rights. Perhaps Judge Katz disagrees with that 1st Amendment Constitutional right to access the courts of the United States, wherein a citizen retains freedom of speech, freedom of religion, freedom of the press, the right to petition the court and the right to peacefully assemble. Exhibit A is that 'Counselor' Brendan Rigby orders posing as a Judge.

LA3. Upon information and belief, this alleged ‘counselor’, Brendan Rigby, which I have evidence that makes that label of counselor questionable, conspired with this Clerk of the Oneida City, New York court, Carla Fitzgerald to commit a fraud on the court. According to 18 USC § 505, it is a crime to forge a Judge’s signature to an order from any court. In essence, Judge Katz has provided immunity to a couple of state actors who appear to be criminals. If I committed a fraud on the court, I would be setting in a jail cell looking at a possible ten year sentence in prison for what I did. These two criminals are drinking Champaign celebrating their win and are probably conjuring up the next fraud on the court they can commit since they entertain absolute immunity. With lawyers and clerks deciding what orders come from the courts, who needs Judges?

LA4. Judge Katz or his clerk took great pains to formulate his 110 pages of ridiculousness based on other courts holdings that are equally ridiculous, that is the courts that actually granted absolute immunity to a lowly clerk of the court, a shyster lawyer and a charlatan posing as a doctor. (See Exhibit B) an email from that court labeled ‘counselor’ Brendan Rigby, informing me that an exparte ruling can result without any exparte hearing or meeting. (See Exhibit C) an email from that court labeled ‘counselor’ Brendan Rigby informing me that there is no way to examine the testimony of a witness to a crime in the State of New York before trial. Because of that court labeled counselor Brendan Rigby, I was unable to examine the alleged 92 year-old victim to prove my innocence as he passed away before I could formulate any examination. Also, see Exhibit D where this counselor at law Brendan Rigby told me that I violated HIPAA by recording him in a public lobby of the public Madison County Mental Health Clinic making himself appear to be a complete fool. Rigby tried to convince me people have an expectation of privacy in a public setting. While Rigby may have a law degree and license to practice law, that doesn’t make him a “Counselor at anything”.

LA5. (See Exhibit E) an alleged copy of an email Clerk of the Court Carla Fitzgerald claims she sent to Elizabeth Spaulding. Carla Fitzgerald claims that is a copy of the actual email she sent. The only email Carla Fitzgerald sent to Elizabeth Spaulding is Exhibit E1. Exhibit E2 shows she sent the email on April 25, 2023, along with the fraud on the court where she forged Judge Misiaszek’s name to the order conjured up by her and her coconspirator, Brendan Rigby. Basically Judge Katz says it is ok for these

criminals to forge a Judge's signature to an order and I have no redress. The following is what 18 USC § 505 actually provides:

Whoever forges the signature of any judge, register, or other officer of any court of the United States, or of any Territory thereof, or forges or counterfeits the seal of any such court, or knowingly concurs in using any such forged or counterfeit signature or seal, for the purpose of authenticating any proceeding or document, or tenders in evidence any such proceeding or document with a false or counterfeit signature of any such judge, register, or other officer, or a false or counterfeit seal of the court, subscribed or attached thereto, knowing such signature or seal to be false or counterfeit, shall be fined under this title or imprisoned not more than five years, or both. (Emphasis Added).

(June 25, 1948, ch. 645, 62 Stat. 714; Pub. L. 103-322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

If we allow Court Clerks to formulate Orders why have Judges? We can save a lot of money by just allowing Clerks to act as Judges without any judicial repercussion at all.

LA6. According to Judge Katz this law doesn't apply to Carla Fitzgerald, Brendan Rigby, or George D. Annas MD, either. Statute 18 USC § 241 Provides that:

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse,

or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death. (Emphasis added)

According to the statute it says IF TWO OF MORE PERSONS CONSPIRE. It does not preclude Clerks of the various courts, counselors at law or doctors. According to Judge Katz, I have no recourse because these culprits are granted absolute immunity by Judge Katz. My 1st Amendment Constitutional rights do not apply.

LA7. According to Judge Katz this law 18 USC § 242, doesn't apply to my case. I have no recourse when criminals conspire against me while hiding behind ridiculous applications of immunity from suit by Courts granting Judges, Prosecutors, and Cops absolute immunity or any immunity at all. Judge Katz now extends that immunity to counselors at law and doctors. Judge Katz wants absolute for everyone, except the victims.

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death. (Emphasis Added)

According to that statute, it says WHOEVER, it does not preclude Court Clerks, counselors at law or doctors. Yet, Judge Katz precludes that statute from application to Carla Fitzgerald a Clerk of a Court, Brendan Rigby a counselor at law, and George D. Annas a doctor.

LA9. 42 USC § 1983 provides that:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia. (Emphasis Added)

(R.S. § 1979; Pub. L. 96-170, § 1, Dec. 29, 1979, 93 Stat. 1284; Pub. L. 104-317, title III, § 309(c), Oct. 19, 1996, 110 Stat. 3853.)

Once again there is no preclusion in that statute from it applying to Clerks of the various Courts, Counselors at law, or doctors. Nor does it say that it applies to just government employees since citizens can conspire with government employees to violate constitutional rights as in this case at bar.

LA10) 42 USC § 1985 provides in part that:

If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat...or if any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws...or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators. (Emphasis Added)

There is absolutely no preclusion within any of those statutes to shield judges, prosecutors, Cops, Clerks of Courts, Counselors of Law, or Doctors. But, it is understandable why Judges, Prosecutors and Cops would entertain Qualified Immunity. Certainly, it does not apply to Clerks, lawyers or Doctors. Especially in the cases of those individuals of those professions who engage in criminal activity.

CONCLUSION:

Richard Castellane got a pass because he was a millionaire and impressed the cop, the ADA, and a kangaroo court judge to arrest me for trespassing and again for protecting my family. Judge Daniel Vineall got a pass because he is a Judge. ADA John S. Rodgers got a pass because he is an Assistant States Attorney. Brendan Rigby got a pass because he is a 'counselor' at law. Carla Fitzgerald got a pass because she is a clerk of the court. Elizabeth Spaulding got a pass because she is a county employee. All these public servants got passes from violating the law and my rights. I got screwed because I am a peon citizen who doesn't have free legal assistance or courts knowingly protecting criminals. It would appear Alan Dershowitz had it right all along when he stated: "Lying Judges believe lying prosecutors who believe lying cops who believe lying victims. There is no justice, it's 'JUST US'!" I object to the Court extending any type of immunity to these corrupt defendants in this matter. This report is nothing more than officials protecting corrupt officials. This report merely protects criminals. This Court should refuse to accept Judge Katz' report and appoint one of those 'counselors at law' to formulate a proper complaint as there are constitutional ramifications at play in this case at bar,

I will leave this tribunal with these precious words from your creator: (Proverbs 28:6) ⁶ better is a poor man [Plaintiff in this matter] who walks in his integrity than a rich man [all of the defendant; clerk, lawyer and doctor in this case] whose ways are corrupt. (Brackets added) **(Ezekiel 16:47)** ⁴⁷ Not only did you, [Judge Katz], walk in their ways and follow their detestable practices, but in a short while you [are] were even more corrupt in all your conduct than they [are] were. (Brackets added).

SUBMITTED this 22nd Day of October 2024

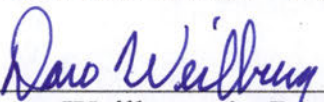
By 
Daro Weilburg, *in Pro Per*

EXHIBIT A

STATE OF NEW YORK
COUNTY OF MADISON

UCS-730

ONEIDA CITY COURT

Present: Hon. Michael J. Misiaszek, City Court Judge

The People of the State of New York

vs.

Daro C. Weilburg Jr

5701 E Circle Drive #138, Cicero, NY 13039

Sex: Male Race: White DOB: [REDACTED]

COPY

Order for Psychiatric Examination & Report [CPL § 730]

Docket Number:

CR-02499-22

CJTN:

NYSID:

Index Number:

DA Case Number:

EYO: N

YO: N

AN ACCUSATORY INSTRUMENT having been filed with this Court and the Court having arraigned the above-named defendant on the following charges:

Charge	Charge Weight	Charge Description	No. of Counts	Incident Date	Bail Conditions
PL 215.50 03	AM	Crim Contempt-2nd:Disobey Crt	1	04/27/2022	ROR
PL 215.50 03	AM	Crim Contempt-2nd:Disobey Crt	1	04/29/2022	

AND, the Court being of the opinion that the defendant may be an incapacitated person for the following relevant reason(s):

Disruptive, confused or bizarre behavior**Uncooperative with defense counsel****Extreme or bizarre type of offense****Appears not to understand charges or court process**

Other: Defendant refuses to speak with defense counsel and insists on email contact only after which he uses those emails to post to his YouTube channel labeled Daro Weilburg. Counsel recommends review of this channel to be part of his examination. Defense Counsel also requests to be present at the examination appointment.

It is hereby **ORDERED** that, pursuant to Article 730 of the Criminal Procedure Law, the **Commissioner of Mental Health** shall cause a psychiatric examination to be conducted upon said defendant by the **Director of Community Mental Health Services** to determine if the defendant, as a result of mental disease or defect, lacks the capacity to understand the proceedings against him/her in this criminal action or lacks the capacity to assist in his/her own defense, and it is further;

ORDERED that, said defendant having heretofore been released on bail or on his/her own recognizance and not currently being in custody, such examination shall be conducted on an outpatient basis, and said defendant is hereby ordered to report for examination at a time and place to be designated by the Director, and it is further;

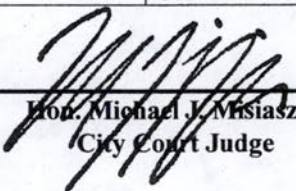
ORDERED that, upon completion of the examination, the **Director of Community Mental Health Services** shall submit examination reports pursuant to Section 730.20(5) of the Criminal Procedure Law to **Oneida City Court** located at **108 Main Street, Oneida, NY 13421** no later than **04/12/2023**, and that the clerk of the court shall provide a copy of said report to the attorney for the defendant and to the prosecutor, and that this matter is hereby scheduled for further proceedings before this Court and the defendant is directed to appear as follows:

Court Name:	Oneida City Court
Location:	108 Main Street, Oneida, NY 13421
Date/Time:	04/12/2023 at 1:30 PM
Part:	Criminal & Traffic
Floor/Room:	Floor First/Room Courtroom
Before Judge:	Hon. Michael J. Misiaszek
For the purpose of:	Motions

Persons who may be contacted for more Information, if needed:

Judge:	Michael J. Misiaszek	315-266-4740
Defense Counsel:	Brendan Rigby, Esq.	315-320-6282
Prosecutor:	John S. Rodgers	315-366-2236

Dated: **March 01, 2023**


Hon. Michael J. Misiaszek
City Court Judge

Interpreter Indicated: **NO**

Defense Attorney: **Brendan Rigby**
351 S Warren Sts
Room 510
Syracuse, NY 13202

EXHIBIT B

B

Brendan Rigby <law@brendanrigby.com>

Thu, Dec 8,
2022,
4:42 PM

to me

Thank you for the photos. Can you please send me the versions that do not have text, arrows, etc. ?

An ex parte order doesn't mean there was a hearing ex parte. *When an order of protection is marked as ex parte, that generally just means that the defendant was not present when it was issued.* It's not that rare or special for a request to be made by the DA's office off-calendar. It certainly does not result in dismissal of the case, unfortunately. If you had a lawyer and you were not present, it was ex parte in one sense as to the defendant but not ex parte in the fullest sense of that phrase.

Our investigator is allowed to reach out to the witnesses and he will do so. I'm not sure what you mean when you say you will be charged with witness tampering. I just wanted more contact information for your potential witnesses. If you don't have it, you don't have it.

I will see you on 1/4/23 at 11:00 AM in City of Oneida court. Remember, it is potentially a misdemeanor to record in a New York courthouse. See [PART 29. Electronic Recording And Audio-visual Coverage In Court Facilities And Of Court Proceedings | NYCOURTS.GOV.](#)

Brendan Rigby, Esq.
315 320 6282 cell & fax
499 S. Warren St., 4th Floor
Syracuse, NY 13202

This office does not accept service by e-mail, fax, or fileshare.

EXHIBIT C

B

Brendan Rigby

Apr 25, 2023,
11:26 AM (16
hours ago)

to me

If you wish to file additional motions, you have a constitutional right to represent yourself and file all motions you believe are appropriate. I have attached the DA's response to my motions.

There is no mechanism to "depose" a witness in New York's criminal laws. As we get closer to trial, we will certainly speak to potential witnesses. Please provide any contact information you have for any of the names you provided. Thank you.

The Madison County Mental Health examiners would like to meet with us this Friday. Please take their call and answer their emails.

Sincerely,

Brendan Rigby PLLC
315 320 6282 cell & fax
499 S. Warren St., 4th Floor
Syracuse, NY 13202

Here again Mr. Rigby concludes in error that there is no mechanism to depose a witness in a criminal trial. To that, I say: POPPYCOCK! I direct Mr. Rigby's attention to CPL § 660.20 (2022) I believe that Mr. Rigby is incompetent as an attorney. I further believe that mistaken statement substantiates my position based on New York Law. I contend that Richard Castellane is an incapacitated person under § 660.20(b). The ADA should welcome the deposition so he has some testimony in case the old codger dies between now and the trial.

Mr. Rigby thinks he has an order allowing him to witness the psychological examination. Since Mr. Rigby typed up an order and added a signature sheet to the order it appears as if the Judge signed the order.

2022 New York Laws CPL - Criminal Procedure Part 3 - Special proceedings and Miscellaneous Procedures Title S - Procedures for Securing Testimony for Future Use, and for Using Testimony Given in a Prior Proceeding Article 660 - Securing Testimony for Use in a Subsequent Proceeding--Examination of Witnesses Conditionally
660.20 - Examination of Witnesses Conditionally; Grounds for Order.

Universal Citation: NY Criminal Pro L § 660.20 (2022)

§ 660.20: Examination of witnesses conditionally; grounds for order. An order directing examination of a witness conditionally must be based upon the ground that there is reasonable cause to believe that such witness:

1. Possesses information material to the criminal action or proceeding in issue; and
2. Will not be amenable or responsive to legal process or available as a witness at a time when his testimony will be sought, either because he is:
 - (a) About to leave the state and not return for a substantial period of time;or,
 - (b) Physically ill or incapacitated.

EXHIBIT D

B

Brendan Rigby

Sun, Jul 16,
10:05 AM

to me

CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION TO MR. DARO WEILBURG

Mr. Weilburg,

I watched your surreptitious recording that you uploaded to <https://www.youtube.com/watch?v=sjsEWDtfU4w>. While I have no problems with anything I said in this video, I understand you feel it documents some form of wrongdoing by everyone else against you. It seems unlikely that viewers of this video will draw the same conclusions as you.

Legally, you should take the video down as it can only cause you problems. First, it is strong evidence you refused to comply with the examination. Second, your recording captures unrelated patients showing up for their HIPAA-protected, confidential treatment and mental health counseling. The likeness of one patient is captured on your video, and another can be heard announcing the name of a child who is present for an appointment. I am not sure what you could be charged with for that, but it is possible there is a rarely-used theory of prosecution out there that I have not experienced.

I am sorry that this whole process is causing you so much stress and I look forward to assisting you in resolving this case.

Sincerely,

Brendan Rigby PLLC
315 320 6282 cell & fax
499 S. Warren St., 4th Floor
Syracuse, NY 13202

This office does not accept service by e-mail, fax, or fileshare.

You're still stuck on stupid as usual



Daro Weilburg

Sun, Jul 16,
1:09 PM

to Brendan

Mr. Rigby, You need to get your ears and eyes checked...what law are you deluded about now? It doesn't matter about the patients...it is a public building and a public lobby, only the patient's information is protected by HIPPA, not their identities.

More imp[ortantly, it is on the personnel there to protect the information according to HIPPA, not on me.

See if you can understand this: THERE IS NO EXPECTATION OF PRIVACY IN A PUBLIC PLACE!

Not even if it is posted. Privacy is only protected in secure areas and it is up to the institution to secure those areas. A lobby is not a secure area...hehehe!

You are extremely uneducated about the HIPPA laws as well as the United States Constitution. Go educate yourself. ANYTHING that is in a public area, can be recorded, (Except in a court of law WHERE IT IS POSTED). I assure you that I am not under any stress, however, you are under a great deal of stress. You admitted that my exercising my constitutional rights was used by you to persuade the court to order this mental examination and you knew all along that I was not incapacitated.

When I rejected you from witnessing the exam the two clowns posing as doctors, rejected my wife. The fix was in. It is plain who canceled the exam and it wasn't me. Be careful on how you approach the court, Mr, Rigby...Stop lying to the court. Why don't you go live in Russia or someplace like Russia, maybe China if you don't enforce the Constitution of the United States?

THE VIDEO IS NOT COMING DOWN, but you may be on your way down, embarrassed and desperate. We live in the age of transparency, Mr. Rigby...deal with it!



Brendan Rigby

Mon. Jul. 17,
6:51 AM

to me

CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION TO MR. DARO WEILBURG

Mr. Weilburg,

I agree that people enjoy no reasonable expectation of privacy while in a public place. You, however, were in a mental health counseling waiting room, accessed by going through a metal detector manned by law enforcement. A setting where people receive confidential healthcare. Patient identities are considered PHI (protected healthcare information) protected by HIPAA.

You articulated a broad interpretation of HIPAA in the portion of the exam that you deleted from the video you uploaded; I recall you telling the doctors that they were violating your HIPAA rights just by conducting the court-ordered examination.

In any event, I will see you on Wednesday.

Sincerely,

Brendan Rigby PLLC
315 320 6282 cell & fax
499 S. Warren St., 4th Floor
Syracuse, NY 13202

This office does not accept service by e-mail, fax, or fileshare.

EXHIBIT E

Carla Fitzgerald

From: Carla Fitzgerald
Sent: Wednesday, March 1, 2023 12:28 PM
To: Elizabeth Spaulding
Cc: Brendan Rigby; John S. Rodgers; LindaPaul
Subject: Daro Weilburg, Jr. 730 Exam
Attachments: Image_001_2482.pdf

Attached please find Order for 730 Examination for Daro Weilburg. Mr. Weilburg has two cases that were transferred to Oneida City Court from the Town of Stockbridge Court. He lists a phone number of 480-751-9958 and an email of redinguy2@gmail.com. He is scheduled to return to Court on Wednesday, April 12th with his attorney. I have attached case information as well. His Attorney, Brendan Rigby, Esq. would like to be present for the examination appointment and has also recommended that your office review the YouTube channel referred to in the Order. Please advise if you need anything further. Note there is an Order for each case but the Court does understand that only one final report is necessary. Thank you!

This is what Carla claims in the email.

FILED: MADISON COUNTY CLERK 09/09/2024 10:00 AM

INDEX NO. EF2023-2017

NYSCEF DOC. NO. 15

RECEIVED NYSCEF: 09/09/2024

Correction

OneidaCityCourt <OneidaCityCourt@nycourts.gov>

Mon, Dec 11, 2023 at
11:26 AM

To: Dan Weilburg <redinguv2@gmail.com>

Mr. Weilburg: You appeared at the public counter several weeks ago and were provided a copy of the email you are asking for. The matters were dismissed and closed

EXHIBIT F

FILED: MADISON COUNTY CLERK 09/09/2024 10:00 AM

INDEX NO. EF2023-2017

NYSCEF DOC. NO. 15

RECEIVED NYSCEF: 09/09/2024

Ms. Spaulding complies with my request for the court order.

Court order



Elizabeth Spaulding

Apr 25, 2023.
11:41 AM (18
hours ago)

to me

Attached is the court order from Oneida City Court.

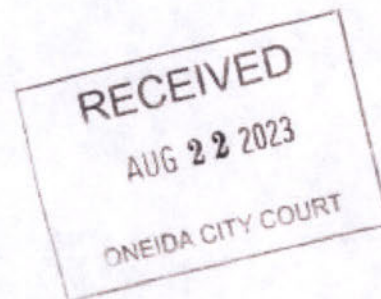
From: madisonmfd@madisoncountyny.gov <madisonmfd@madisoncountyny.gov>

Sent: Tuesday, April 25, 2023 11:45 AM

To: Elizabeth Spaulding <Elizabeth.Spaulding@madisoncountyny.gov>

EXHIBIT G

GEORGE DAVID ANNAS, M.D., M.P.H.
Forensic Psychiatry Consulting, LLC
Diplomate of the American Board of Psychiatry and Neurology
Adult and Forensic Psychiatry
Syracuse, NY



August 17, 2023

The Honorable Michael Misiaszek
Oneida City Court
108 Main St.
Oneida, NY 13421

RE: *The People of the State of New York v. Daro Weilburg*

Dear Judge Misiaszek,

Dr. Tarun and I were scheduled to examine Mr. Daro Weilburg for a CPL§730 at the Madison County Mental Health Offices, on 4/28/2023 and 7/14/2023. On the former date, Mr. Weilburg did not show and we spoke with his attorney, Brendan Rigby, to discuss his opinions on the potential areas that Mr. Weilburg potentially lacked the capability to proceed. Mr. Rigby provided us with helpful information on the multitude ways where Mr. Weilburg has been hostile, illogical, and has sometimes appeared to go out of his way to impede his own case.

On 7/14/2023, Mr. Weilburg did show for the evaluation. When I arrived, I walked in on him raising his voice at his attorney, insisting that the gentleman not be present for the evaluation. Mr. Rigby explained that he would either be present or could step out, whichever one Mr. Weilburg was comfortable with. I then asked who the additional person in the room was, other than Dr. Tarun, myself and Mr. Rigby and was told it was Mr. Weilburg's wife. After a brief discussion he insisted that his wife remain present for the evaluation. I attempted to explain that he was not entitled to have anyone he wished present, other than his attorney. He then stated he would not cooperate with the visit and walked out, periodically coming back in and insulting myself and Dr. Kumar, despite his assertion that he was refusing the evaluation. Prior to leaving he threw a handful of papers at Dr. Kumar, which he referred to as "evidence" of some sort, and – eventually – stormed out of the room with his wife.

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Retail



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Syracuse, NY 13261

U.S. DISTRICT COURT
JOHN M. DOMURAD, CLERK

OCT 24 2024

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